

IN THE US DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO

Lance Pough,

Case No.2:21-cv-880

Plaintiff

:

:

:

Vs

:

Magistrate Judge C.H.Gentry

:

Judge Michael Watson

:


Mike DeWine et al

:

.....Defendants.....

AMENDED MOTION FOR SUBPOENA DUCES TECUM

Now comes the Plaintiff Lance Pough herein requests this honorable court to grant the instant subpoena(motion for subpoena duces Tecum)for the issuance of the subpoena to Jeremy Pelzer, a non party at the 302 E.Moler St.,Columbus, Ohio 43207 address to produce the requested documents.



Lance Pough,A653422

Po Box 788

Mansfield, Ohio 44901

Date:2-17-2023

Now comes the plaintiff Lance Pough herein requesting this honorable court to grant the instant ^{AMENDED} subpoena and order the US Marshals Service to serve the non party Jeremy Pelzer whereas he possesses admissible evidence (documents) that cannot be obtained from any other source, and these documents are reasonably calculated to lead to discovery of admissible evidence relevant to Plaintiff's claim that the defendants used his race and color the deciding factor when denying him parole and when deciding on how much time to give him on a flop/continuance after denying him parole which led to him receiving a lengthy/harsh continuance of 10 years. This conduct by the defendants constitute a violation of Substantive Due Process as alleged in the defendants Amended Complaint.

The plaintiff also has requested and filed a subpoena duces tecum for documents from Shirley Smith as well but has not heard anything back from her, or the court regarding this subpoena as well. The plaintiff brings this amended subpoena because he realized that he left off the time and place in the initial subpoena duces tecum. Jeremy Pelzer interviewed Shirley Smith as a follow up to her Jan. of 2019 public rebuke and claims against the Ohio Parole Board and it's members and ex members which is reflected in Ex.A attached to the complaint and to this subpoena duces tecum. It is clear that Jeremy Pelzer is in possession of these relevant documents because he used the material to write/author the articles Ex.A, Ex.A1 which were published on Cleveland.com in Jan. of 2019.

These documents are very relevant to Plaintiff's lawsuit and are reasonably calculated to lead to the discovery of admissible evidence.

The plaintiff seeks this courts assistance in issuing a subpoena duces tecum to Jeremy Pelzer to obtain the below named relevant documents:

- 1) Any documents relating to or referring to Shirley A. Smith, ex Ohio Parole board member including but not limited to interview notes, interview transcripts, emails, phone texts, electronically stored documents relating to Shirley Smith's Jan. 2019 public claims against the Ohio Parole Board, it's members

and former members and the way the parole board operates.

- 2)Any documents or responses through texts, text messages, emails or written correspondance(s) you recieved from the ODR and it's spokeswoman JoEllen Smith addressing Shirley Smith's Jan. 2019 media blast claims against the Ohio parole Board and it's members and ex members as detailed in Ex,A,Ex.A1 and Ex.B attached and attached to the Complaint
- 3)Any document that was used to create Ex.A and Ex.A1(attached), as well as used to support it.

The plaintiff Pough prays that this honorablecourt grants his instant request whereas it is clear that the requested documents will lead to the discovery of admissible evidence.

Date:2/17-2023

A handwritten signature in cursive script, reading "Lance Pough", written over a horizontal line.

Lance Pough,A653422

Po Box 788

Mansfield, Ohio 44901

THE COURT TO ISSUE THE SUBPOENA DUCES TECUM:

US District Court

200 W.Second St,Rm 712

Dayton,Ohio 45402

Magistrate Judge Caroline H. Gentry

The Titile of the action is-Pough v Mike DeWine, et al Case No.2:21-cv-880

The subpoena has attached a document quoting the entriety of Rule 45(c) and (d) which details the rights and duties of those subject to respond to a subpoena.

.Proof.of.Service.

I, Lance Pough, swear under the penalty of perjury that a copy of this instant motion was placed in a prison mailbox on 2-17-2023 for mailing purposes to the following parties, US Mail, First Class:

US District Court
200 W. Second St., Rm 712
Dayton, Ohio 45402

Jeremy Pelzer
302 E. Moler St
Columbus, OH
43207

Mr. George Horvath, Snr Assist. Atty General
30 E. Broad St., 23rd Floor
Columbus, Ohio 43215

For defendants-Kovach, Reveal, Thalheimer, Rauschenberg and Houk

Lance Pough

Lance Pough, A653422

Plaintiff

Date: 2-17-2023

Abstract

US District Court
200 W. Second St. Rm 712
Dayton, OH 45402

Lowell Pough
653422
PO Box 788
Mansfield, OH 44901



INMATE OF
MANSFIELD CORRECTIONAL
INSTITUTION